

REMARKS

The application has been amended and is believed to be in condition for allowance. The present amendments is filed concurrently with a Request for Continued Examination (RCE),

Amendments to the Disclosure

Claims 1 and 9 are amended to incorporate the subject matter of claims 2 and 3.

Claims 9 and 14 are amended overcome the Official Action's formal rejections under Section 112.

Claims 1, 4, 6, 9, and 14 are further amended to address formal issues and antecedent basis issues in consideration of U.S. practice and preferences.

The amendments to the claims find support in the specification and the drawing figures as originally filed and do not introduce new matter.

Formal Matters - Objections to the Drawings

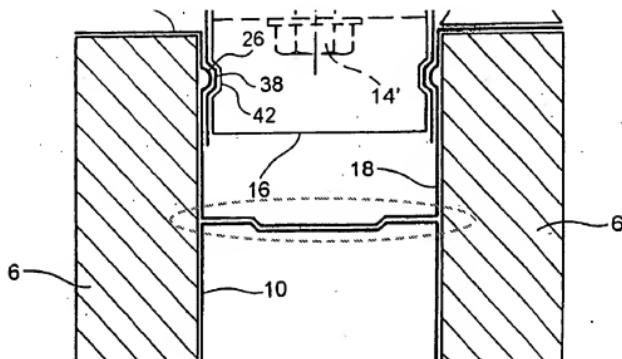
The Official Action objected to the drawings, stating that Figure 1 gives the appearance that the slide and the upper rail are not separate elements, which is not believed to be disclosed in the specification.

In reply, it is respectfully submitted that Figure 1 adequately discloses the slide 18 and upper rail 10 (see, e.g., specification at page 16, lines 13-20) as being distinct, at least for the reasons set forth below.

The two pictures below show the slide 18 and upper rail 10, as excerpted from Figure 1, each shown in isolation.



The partial view below shows these two elements together, as they appear in Figure 1.



As can be seen in the Figure 1 provided above, each of slide 18 and upper rail 10 are separated by a white space, an example of which is indicated in the partial figure above by the dotted oval overlaid atop the Figure. A similar white space also separates each of slide 18 and upper rail 10 from the covering boards respectively on left and right sides of the elements. Although Figure 1 is a diagrammatic representation and does not rule out the possibility that these elements may contact each

other, the white space clearly indicates to one of skill in the art that these elements are distinctive with respect to each other.

Particularly, there is no connecting element visible anywhere in this white space that would disclose these parts as being a singular, non-separated element.

Furthermore, because Figure 1 is a cross-section (page 5, line 9), the representations of the slide 18 and upper rail 10 (both U-shaped; see page 3, lines 31-33; original claim 1) appear as thin lines. However, each of these thin lines at 10 and 18 are clearly distinguished from each other by the white space. Figure 3 further identifies the element associated as the slide 18 as a particular structural part, distinct from the other parts making up the illustration on Figure 1.

It is therefore respectfully submitted that Figure 1, both individually and in combination with Figure 3, properly illustrates the slide 18 and upper rail 10 as distinctive, separate elements consistent with the recitations in the claims.

The Official Action further objected to the drawings, stating that it is insufficiently clear how Figure 1 represents a partition (for example, that of claim 14) as represented by paragraph 57 of the specification.

In reply, it is firstly noted that claim 14 has been amended to recite the invention consistent with claim 9 and the specification originally filed.

It is further respectfully submitted that the specification describes a partition as, for example, plaster boards erected between a floor and a horizontal ceiling mounted on the device claimed as the invention (see, e.g., page 1, lines 3-8 and lines 18-24).

Correspondingly, Figure 1 illustrates a device 10, 14, 14', 16, 18, 26, 30, 38, 42 to which plaster covering boards 6 are mounted on either side. This assembly is described, in the specification at page 5, line 9, as a "partition according to the invention" (emphasis added), Figure 1 illustrating the partition in cross-section.

It is therefore respectfully submitted that Figure 1 clearly represents a partition consistent with the description of a partition in the specification originally filed.

Based at least on the foregoing reasons, withdrawal of all the objections to the drawings is earnestly solicited.

Formal Matters - Section 112, second paragraph

The Official Action rejected claims 9 and 14 under 35 USC 112, second paragraph as being indefinite.

As to claim 9, the Official Action states that it is unclear how the device of claim 1 fits into a partition.

In response, claim 9, which formerly claimed "A partition framework", is amended to claim "A partition" and recites features consistent with the description in the specification (see, e.g., page 1 line 3 to page 2 line 2),

wherein the upper rail 10 is configured to join with the device of claim 1.

It is therefore respectfully submitted that claim 9, as amended, is definite toward reciting a partition and with respect to the structural relationship between the device of claim 1 and the partition.

As to claim 14, the Official Action objects to the claim language "each of said substantially vertical side edge".

In reply, claim 14 is amended in a manner believed to overcome the Official Action's objection. In particular, amended claim 14 is based on amended claims 1 and 9, and further based upon page 11, lines 12-18 of the specification. Claim 14 is thereby believed to be definite.

Based on the foregoing reasons and the amendments described above, claims 9 and 14 are believed to overcome the Official Action's rejections under Section 112. Withdrawal of the rejections under 35 USC 112, second paragraph is thereby earnestly requested.

Substantive Issues - Sections 102 and 103

The Official Action rejected claims 1, 2, 4, and 6-14 under 35 USC 102(b) as being anticipated by Bohnsack (US 3,381,438; "BOHNSACK").

The Official Action rejected claim 3 under 35 USC 103(a) as being unpatentable over BOHNSACK in view of Balfanz (US 3,665,837; "BALFANZ").

The Official Action rejected claim 5 under 35 USC 103(a) as being unpatentable over BOHNSACK in view of Lewis (US 3,292,328; "LEWIS").

In response as to claim 1, it is firstly noted that claim 1 is amended to recite the reversible snap-fitting means of former claim 2 and 3.

It is respectfully submitted that none of the references applied by the Official Action, individually or in combination, teach or suggest all the features recited in amended claim 1.

The Official Action offers BOHNSACK as teaching a frame member 8 constituting a "slide", a spreader 62 constituting an "upper rail", and supporting member 65 constituting a "top runner" as recited in the claim.

However, BOHNSACK's supporting member 65 and frame member 8 are not mounted to move relative to each other in a vertical direction, as required by claim 1. BOHNSACK only teaches these two elements as "secured"; there is no disclosure of being moveable (column 5, lines 8-11; Figure 4). Further, there is no teaching that the snap-fitting of latch portions 73, 74 of the supporting member within grooves 52, 53 of the frame member is reversible (column 5, lines 20-25; Figure 4).

BOHNSACK discloses that when assembling the supporting member 65 and the frame member 8, the supporting member 65 is inserted and slid in a vertical direction within the frame member

8 until snapping of its latch portions within the frame member grooves (column 5, lines 20-25; Figure 4).

But when the assembly is achieved, this snapping necessarily prevents all relative movements of the supporting member 65 and the frame member 8. If such a relative movement were allowed to occur, it could result in the separation of the supporting member and the frame member, causing the fall of the panel.

It is also respectfully submitted that the spreader 62 fails to teach an upper rail configured to connect to uprights.

It is further respectfully submitted that the supporting member 65 fails to teach a top runner configured to be fixed to the ceiling. On the contrary, supporting member 65 is provided to receive and support a glass panel (column 5, lines 7-14; Figure 4); a person having ordinary skill in the art would readily understand that this supporting member 65 is inappropriate for securing to a ceiling.

As to the secondary reference, the Official Action apparently concedes that BOHNSACK fails to teach reversible snap-fitting means, as recited by claim 1 as amended. The Official Action offers Figure 1 BALFANZ as disclosing a reversible snap-fitting means, and contends that one of skill would have known to incorporate reversible snap-fitting means with BOHNSACK "for ease of assembly".

Applicant respectfully disagrees.

As is well known, a *prima facie* obviousness of a claimed invention is established only where all the claim limitations are taught or suggested by the prior art, and an articulated reasoning is provided that possesses a rational underpinning to support the legal conclusion of obviousness. In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006).

BALFANZ Figure 1 discloses an air diffusing assembly, comprising (Fig. 1) a Q-shaped channel member 1 and a V-shaped air diffuser member 16 inserted within said channel member 1. The channel member 1 shows inwardly directed beads 23 formed in its side walls (column 2, lines 43-55).

The air diffuser member 16 shows inwardly directed corrugations 22 in its side walls forming more or less V-shaped groove or channel adapted to receive the beads 23. The air diffuser member 16 is thus fastened to the channel member 1 (column 2, lines 43-55). BALFANZ makes no teaching or suggestion that the elements 22 and 23 include any structure for a reversible fastening.

Therefore, beads 23 and corrugations 22 are not snap-fitting means according to claim 1, and hence vertical relative movements is not taught or suggested between the two elements they fasten.

Hence, BOHNSACK and BALFANZ fail to teach all the features recited in claim 1.

Furthermore, a person of ordinary skill in the art would not modify beads 23 and corrugations 22 of BALFANZ in order to allow such movements because this would render the air diffusing assembly unsatisfactory: the air diffuser member 16 is to be retained within the channel member 1 even in the event of an earthquake.

In addition, a person having ordinary skill in the art would never modify BOHNSACK such that the frame member 8 and the supporting member 65 allow relative movements thereof because reversible snap-fitting latch portions, or support and frame members 65, 8 mounted to move relative to each other in a vertical direction places the glass panel in danger of falling,.

Hence, the modification would render the assembly unsatisfactory for its intended purpose.

Also, a person having ordinary skill in the art would never use such frame member 8 and supporting member 65 as a mounting device in case of earthquakes because these elements fail to provide an earthquake-resistant partition.

It is respectfully submitted that, based on all the reasons set forth above, claim 1, as amended, is patentable over the references applied by the Official Action.

It is also respectfully submitted that claims depending from claim 1 are patentable at least for depending from a patentable parent claim.

It is further respectfully submitted that claim 14, as amended is patentable at least for the same reasons set forth above as to claim 1.

Reconsideration and allowance of the claims are respectfully requested.

From the foregoing, it will be apparent that Applicant has fully responded to the September 29, 2009 Official Action and that the claims as presented are patentable. In view of this, Applicant respectfully requests reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, the Examiner is invited to telephone the attorney for Applicant at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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